

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Regina L. Griffin

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK (IRELAND) LTD. (f/k/a  
FORTIS PRIME FUND SOLUTIONS BANK  
(IRELAND) LIMITED), and ABN AMRO  
CUSTODIAL SERVICES (IRELAND) LTD. (f/k/a  
FORTIS PRIME FUND SOLUTIONS CUSTODIAL  
SERVICES (IRELAND) LTD.),

Defendants.

Adv. Pro. No. 10-05355 (SMB)

**STIPULATION AND ORDER CONCERNING THE TRUSTEE'S  
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (the “Trustee”) and Defendants ABN AMRO Bank (Ireland) Ltd. and ABN AMRO Custodial Services (Ireland) Ltd. (collectively, the “Defendants”), by and through their respective undersigned counsel, (collectively, the “Parties”), agree as follows:

WHEREAS, on August 28, 2014, the Trustee filed an Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a) and Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) (the “Trustee’s Omnibus Motion”) (ECF Nos. 65-67). The Trustee’s Omnibus Motion sought, among other things, limited discovery relevant to good faith under either 11 U.S.C. § 548(c) or 11 U.S.C. § 550(b) (the “Limited Discovery Issue”) from the Defendants, as well as leave to file an amended complaint against the Defendants (the “Leave to Replead Issue”);

WHEREAS, on June 18, 2018, the Court denied the branch of the Trustee’s Motion as to the Limited Discovery Issue, and acknowledged that the parties previously agreed that further briefing and proceedings on the Leave to Replead Issue would be deferred until after the Court entered a decision on the Limited Discovery Issue (ECF No. 158);

WHEREAS, the Parties are now required to address the issues surrounding the Leave to Replead Issue;

WHEREAS, the Trustee intends to file a motion for leave to file an amended complaint;

WHEREAS, the Parties have agreed to a schedule for litigation of the Trustee’s motion for leave to file an amended complaint.

IT IS HEREBY STIPULATED AND AGREED that:

1. The Trustee shall file his motion for leave to file an amended complaint on or before February 22, 2019, and Defendants shall file their opposition to the motion on or before April 23,

2019. The Trustee shall file a reply to the motion on or before May 23, 2019.

2. The extension of time granted by this stipulation (the “Stipulation”) is without prejudice to any future extensions of time.

3. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: January 11, 2019  
New York, New York

/s/ Regina Griffin  
David J. Sheehan  
Regina Griffin  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the SIPA  
Liquidation of Bernard L. Madoff Investment Securities  
LLC and Bernard L. Madoff*

/s/ Christopher R. Harris  
Christopher R. Harris  
Thomas Giblin  
LATHAM & WATKINS LLP  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

*Attorneys for Defendants ABN AMRO Bank (Ireland)  
Ltd. and ABN AMRO Custodial Services (Ireland) Ltd.*

SO ORDERED: January 11, 2019

/s/ STUART M. BERNSTEIN

Hon. Stuart M. Bernstein  
United States Bankruptcy Judge